



## FISCAL MEMORANDUM

### SB 1528 - HB 1449

February 3, 2022

**SUMMARY OF BILL AS AMENDED (011968):** Authorizes a defendant, the district attorney general, or the court to motion the court that imposed a sentence for a drug-free school zone violation prior to September 1, 2020, to resentence a defendant if outlined criteria are met.

### FISCAL IMPACT OF BILL AS AMENDED:

**Other Fiscal Impact – To the extent an evidentiary hearing is held and a defendant is resentenced, there will be a reduction in state incarceration expenditures. The timing and amount of any sentence reduction is unknown and unable to be determined with reasonable certainty.**

Assumptions for the bill as amended:

- The proposed legislation requires a court that has received such a motion to hold an evidentiary hearing on such a motion, and authorizes the court to resentence the defendant.
- The burden of proof to show that the defendant would be sentenced to a shorter period of confinement if the defendant's offense had occurred on or after September 1, 2020 is placed on the defendant.
- Resentencing is prohibited if the new sentence would be greater than the original sentence imposed or if the court finds resentencing the defendant would not be in the interest of justice.
- The number of such motions filed, the outcome of any evidentiary hearing, and the subsequent reduction of any sentence is unknown; however, to the extent an evidentiary hearing is held and a defendant is resentenced, there will be a reduction in state incarceration expenditures. The timing and amount of any sentence reduction is unknown and unable to be determined with reasonable certainty.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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